

1555. Adulteration of butter. U. S. v. 128 Pounds of Butter. Default decree of condemnation and destruction. (F. D. C. No. 3076. Sample No. 27334-E.)

This product contained mold.

On or about September 4, 1940, the United States attorney for the Eastern District of Tennessee filed a libel against 128 pounds of butter at Johnson City, Tenn., alleging that the article had been shipped in interstate commerce on or about August 19, 1940, by the Southern Maid Dairies, Inc., from Bristol, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, or was otherwise unfit for food. The article was labeled in part: "Southern Maid Creamery Butter."

On or about December 14, 1940, no defense having been made to the action, judgment of condemnation was entered and the product was ordered destroyed.

1556. Misbranding of butter. U. S. v. 150 Cases of Butter. Consent decree of condemnation. Product ordered released under bond for repacking. (F. D. C. No. 2722. Sample No. 21132-E.)

This product was short of the declared weight.

On August 9, 1940, the United States attorney for the Territory of Hawaii filed a libel against 150 cases of butter at Honolulu, T. H., consigned by American Factors, Ltd., alleging that the article had been shipped in interstate commerce on or about August 2, 1940, from San Francisco, Calif.; and charging that it was misbranded. It was labeled in part: (Carton) "Diamond Head Brand Butter."

The article was alleged to be misbranded in that the carton bore the statement "Net Weight 1 lb.," which statement was false and misleading for the reason that the weight of the contents of the carton was less than 1 pound net. It was alleged to be misbranded further in that it was in package form and the package did not bear an accurate statement of the quantity of the contents.

On August 15, 1940, American Factors, Ltd., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond for repacking to the labeled weight.

1557. Misbranding of butter. U. S. v. 6 Boxes of Butter. Default decree of condemnation. Product ordered delivered to a Federal institution. (F. D. C. No. 4220. Sample No. 60059-E.)

This product was short of the declared weight.

On March 14, 1941, the United States attorney for the Western District of Washington filed a libel against 6 boxes of butter at Raymond, Wash., alleging that the article had been shipped in interstate commerce on or about March 11, 1941, by Swift & Co. from Portland, Oreg.; and charging that it was misbranded.

The article was alleged to be misbranded in that the statement "Goldcrest Creamery Butter One Pound Net Weight," was false and misleading since the prints contained less than 1 pound net weight of butter. It was alleged to be misbranded further in that it was in package form and did not bear an accurate statement of the quantity of the contents in terms of weight.

On April 24, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal penal institution.

CHEESE

1558. Misbranding of grated cheese. U. S. v. 34 Cases and 24 Cases of Grated Cheese. Default decree of condemnation. Product delivered to a Federal institution. (F. D. C. No. 2407. Sample Nos. 4048-E, 4049-E.)

This Italian style cheese occupied only about 74 percent of the capacity of its containers and the American cheese occupied only about 53 percent of the capacity of its containers.

On July 25, 1940, the United States attorney for the Eastern District of Michigan filed a libel against 58 cases of grated cheese at Detroit, Mich., alleging that the article had been shipped in interstate commerce on or about April 26 and June 20, 1940, by the Emm-An-Cee Co. from Chicago, Ill.; and charging that it was misbranded in that its containers were so made, formed, or filled as to be misleading. The article was labeled in part: (Box) "M&C

* * * Italian Style Grated Cheese"; or "Grated American Whole Milk Cheese."

On September 5, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a Federal correctional institution.

EGGS

1559. Adulteration of shell eggs; adulteration and misbranding of butter. U. S. v. Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr (Furr Food Stores). Pleas of guilty. Fine of \$12.50 imposed against each defendant. (F. D. C. No. 2914. Sample Nos. 70510-D, 6585-E.)

These eggs were in part decomposed and the butter was deficient in milk fat and short of the declared weight.

On March 4, 1941, the United States attorney for the Northern District of Texas filed an information against Roy Furr, Clem Boverie, Crone W. Furr, and Key Furr, trading as Furr Food Stores at Lubbock, Tex., alleging that the defendants shipped on or about February 20, 1940, from the State of Texas into the State of New Mexico a quantity of butter that was adulterated and misbranded and also shipped on or about July 16, 1940, from the State of Texas into the State of New Mexico a quantity of shell eggs that were adulterated. The butter was labeled in part: (Wrapper) "1 Lb. Net Weight Country Roll Fresh Creamery Butter."

The shell eggs were alleged to be adulterated in that they consisted in whole or in part of a decomposed substance.

The butter was alleged to be adulterated in that a valuable constituent, milk fat, had been in part omitted therefrom; and in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter. It was alleged to be misbranded in that the statement appearing on the wrappers, "1 Lb. Net Weight," was false and misleading since the rolls weighed less than 1 pound net; and in that it was in package form and did not bear on its label an accurate statement of the quantity of the contents in terms of weight.

On March 7, 1941, pleas of guilty having been entered, the court imposed a fine of \$12.50 against each defendant.

1560. Adulteration and misbranding of eggs. U. S. v. 2 Cases and 6 Cases of Eggs. Decree of condemnation. Product released under bond for recandling, repacking, and relabeling. (F. D. C. Nos. 3565, 3566. Sample Nos. 44525-E, 44529-E.)

These eggs, which were offered for sale as fresh eggs, were oil-treated cold storage eggs.

On December 21, 1940, the United States attorney for the District of New Mexico filed libels against 2 cases, each containing 30 dozen eggs, at Albuquerque, N. Mex., and 6 cases, each containing 30 cartons, of eggs at Santa Fe, N. Mex., alleging that the article had been shipped in interstate commerce on or about November 28 and December 2 and 6, 1940, by the Rhodes Ranch Egg Co. from Denver, Colo.; and charging that it was adulterated and misbranded. It was labeled in part: "Rhodes Nu Lade Eggs"; or "Rhodes * * * Quality Seeled Fresh Eggs."

The article was alleged to be adulterated in that cold storage eggs had been substituted for fresh eggs, which it purported to be.

A portion of the article was alleged to be misbranded in that the statement "Nu Lade Eggs" was false and misleading as applied to cold storage eggs. The remainder was alleged to be misbranded in that the statement "Seeled Fresh Eggs" was false and misleading since it implied that the article was fresh eggs.

On January 15, 1941, the Rhodes Ranch Egg Co. having appeared as claimant for the product, judgment of condemnation was entered and the product was ordered released under bond for recandling and repacking in properly labeled cases under the supervision of the Food and Drug Administration.

1561. Adulteration of frozen whole eggs. U. S. v. Rothenberg & Schneider Bros., Inc., and Herman Rothenberg and Solomon Schneider. Pleas of guilty. Fines, \$400 and costs. (F. D. C. No. 2976. Sample No. 8949-E.)

This product consisted in part of sour, putrid, and musty eggs.

On April 29, 1941, the United States attorney for the Northern District of Illinois filed an information against Rothenberg & Schneider Bros., Inc., Chicago, Ill., and Herman Rothenberg and Solomon Schneider, alleging shipment on or about October 19, 1940, from the State of Illinois into the State of Minnesota of a quantity of frozen whole eggs that were adulterated in that they consisted in whole or in part of decomposed and putrid substances. The article was labeled in part: "Whole Eggs * * * R & S Brand."